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Proceedings:

NATIONAL ADVISORY BOARD for

WILD, FREE-ROAMING HORSES AND BURROS

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Meeting Agenda
National Advisory Board on Wild Free-Roaming
Horses and Burros

Continental Denver Motor Inn
Valley Highway and Speer Boulevard
Denver, Colorado
March 21 and 22, 1973

March 21

8:30 a.m.	Welcome, State Director, Colorado
8:45 a.m.	Comments and recommendations from Board members on proposed regulations of BLM and Forest Service
12 noon	Lunch
1:30 p.m.	Discussion continued on regulations
4 p.m.	Adjourn for day

March 22

8:30 a.m.	Comments from individual Board members concerning the draft environmental statements from BLM and Forest Service
10 a.m.	Comments from public
12 noon	Lunch
1:30 p.m.	Future meetings and agenda Field inspection trips Involvement with individual problems and areas Acquaintance of committee with problems
2:30 p.m.	Recommendations and suggestions from committee as deemed appropriate
4 p.m.	Adjourn

APPROVED:

Director, Bureau of Land Management

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BOARD MEMBERS PRESENT - March 21, 1973:

Dr. C. Wayne Cook, Chairman

Mrs. Pearl Twyne

Dr. Roger Hungerford

Mr. Ed Pierson

Mr. Ben Glading

Mr. Roy Young

Dr. Floyd W. Frank

Mrs. Velma B. Johnston

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Denver, Colorado 80225

BOARD MEMBERS NOT PRESENT - March 21, 1973:

Mr. Dean T. Prosser, Jr.

AGENCY PERSONNEL PRESENT March 21, 1973:

Mr. Dale Andrus, State Director, Colorado, Bureau of Land Management.

Mr. Kay Wilkes, Chief, Division of Range Management, Bureau of Land Management.

Mr. Nolan Keil, Assistant Director for Resources, Bureau of Land Management.

Mr. Roscoe Ferris, Range Conservationist, Bureau of Land Management.

Mr. Frank Smith, Director - Division of Range Management, U. S. Forest Service

Mr. Larry Sutton, Branch Chief, Range Management, U. S. Forest Service.

Mr. W. L. Evans, U. S. Forest Service.

Mr. Frank Richardson, Associate Regional Director, Bureau of Sports Fisheries and Wildlife

Mr. Jim Lee, Director's Staff - Public Affairs

PUBLIC APPEARANCES - March 21, 1973:

Dr. Michael Pontrelli, Sparks, Nevada

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Dr. Roger Hungerford

Mr. Ed Pierson

Mr. Ben Glading

Mr. Roy Young

Dr. Floyd W. Frank

Mrs. Velma B. Johnston

Mr. Dean T. Prosser, Jr.

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Mr. W. L. Evans, U. S. Forest Service.

Mr. Frank Richardson, Associate Regional Director, Bureau of Sport Fisheries and Wildlife.

Mr. Jim Lee, Director's Staff - Public Affairs

PUBLIC APPEARANCES - March 22, 1973:

Dr. Michael Pontrelli, Sparks, Nevada.

Mr. Alan J. Kania, Boston, Mass.

Mr. William B. Wright, Deeth, Nevada.

Mr. Belton P. Mouras, President, Animal Protection Institute of America, Sacramento, California

Mr. Frantz L. Dantzler, Director, The Humane Society of the United States, Rocky Mountain Regional Office, Salt Lake City, Utah.

Ms. Susan Lock, for the International Society for the Protection of Mustangs and Burros, and Wild Horse Organized Assistance, Inc.

PROCEEDINGS OF THE NATIONAL ADVISORY BOARD
FOR
WILD FREE-ROAMING HORSES AND BURROS

Denver, Colorado
March 21 - 22, 1973

Introduction:

The second meeting of the National Advisory Board on Wild and Free-Roaming Horses and Burros was held in Denver, Colorado, March 21 and 22, 1973. The meeting was requested by the Acting Secretary of the Interior in behalf of himself and Secretary Butz of the Department of Agriculture by memorandum dated March 7, 1973. (Appendix #2). Additional correspondence and notice pertaining to the meeting are contained in the appendeces in the following order:

Appendix #1 - Draft of proposed regulations.
Appendix #2 - Call to meet by the Secretary of the Interior.
Appendix #3 - Delegation of authority to BLM Assistant Director of Resources.
Appendix #4 - Notice of Public Meeting published in the Federal Register on March 9, 1973.
Appendix #5 - Memorandum to members of the Advisory Board from the Chairman, discussing procedures to be followed at the March 21-22 meeting.
Appendix #6 - Cooperative Agreement - Enclosure #1
Appendix #7 - Redraft regulation 4712.3 and 231.11(J) - Enclosure #2
Appendix #8 - Register of public attendance at the meetings held on March 21 and 22.

SUMMARY OF RECOMMENDATIONS ON PROPOSED REGULATIONS
AND OTHER MATTERS

Bureau of Land Management - Group 4700 - 43 CFR
Forest Service - Part 231 - 36 CFR

4710.0-3 231	No recommendation
4710.0-5(a)-(d) 231.11(a)	Suggest BLM consider adding language to paragraph (d) to include lands subject to administration under Regulation 4711.3.
4710.0-5(e)-(h) 231.11(a)(4)-(8)	Motion made and approved to insert the word "specific" in the title line of 4710(e) and 231.11(a)(4) to read "Wild horse or burro specific range." "To add a sentence to 4710(3) and 231.11(a)(4) to define other areas which will be managed under multiple use principles as described in 2(c) of the Act."
4710 231.11(a)(5)-(6)	No recommendation
4710.0-6 231.11(b)	Motion approved: addition of language to 4710.0-6(b) following the word permit, "but such an arrangement is permissable under a cooperative agreement."
4711.1-2 231.11(m)-(n)	Motion approved: addition of words to last sentence of 4711.2(b), "to the fullest extent possible."
4711.3 231.11(h)	Motion approved: to recommend inclusion of the term, "Nonprofit organization," in Regulation 231.11(h).
4712.1-(1-3) 231.11(b)	Motion approved: to insert in line 2 of 4712.1-1 the word "specific" in front of the word ranges; add after the word, ranges, "as well as other lands over which the BLM has jurisdiction with respect to the provisions of this Act." "To use the following listed criteria to identify excess horse and burro numbers -

(a) Number of animals on the range at the present time.
(b) Suitability of range for production of forage.
(c) Current condition of range compared with its potential.
(d) Trend of range condition.
(e) Coordination of horse and other resource uses."

4712.1-4 — No recommendation.

4712.2-(1-3)
231.11(b)(1) — Motions approved: To insert the word "specific" in the title line of 4712.2 between the words of and ranges.

To change the title line of 4712.2-2 to read, "Criteria and Requirements for Designation."

To insert in 4712.2-1 after the words, specific ranges, "in those unique and singularly important situations where he determines such designation as especially fitting," for protection, etc.

To change in 4712.2-1 the words, The authorized officer, to, "The Secretary of the Interior, and in 231.11(b)(1) the words, the Chief of the Forest Service, to "The Secretary of Agriculture."

4712.3-(1-2)
231.11(i) — Motions approved: To reword 4712.3-1 to read "Animals may be captured, corralled and held, in the most humane manner possible, pending disposal under the provisions of this Act."

To preface the first sentence in 4712.3-1 and 231.11(i) with the words, "Under the supervision of authorized personnel."

4712.3-(3-5)
231.11-(j-k) — Redraft of this section for later consideration.

4712.4-(1-3)
231.11(3)-(g) — Motion approved: "The Advisory Board recommends to the Secretaries that in the foreseeable future the total number allowable shall in general be limited to a number approximating the number of free roaming horses and burros in existence at the time of passage of the Act."

4712.3-(3-5)* 231.11-(j-k)	Motion made and approved to accept a complete redraft of subparts of the regulations. (See body of the minutes for full text.)
4712.3-(3-5)* 231.11(j-k)	A second consideration and action was taken on the rewrite of these regulations resulting in a conflicting recommendation. (See full text of minutes.)
4713.1 (a-d) 231.11 (c)	Motion approved: To amend the last sentence of 4713.1(b) to read, "Claims must be based upon evidence of ownership as cooperatively agreed between the Agency and State authorities." "Requesting the Forest Service and BLM to obtain a legal review of all laws pertaining to the use of airplanes in working with wild horses or burros to see if using planes for management practices may be legally tenable." Following the words State official at the end of 4713.1(c), add, "and agreed upon by the Federal Agency in question pursuant to a cooperative agreement between the Bureau of Land Management and the State agency, containing criteria for the determination of ownership." Approved a motion to not include the criteria suggested for development of cooperative agreements (see complete text of minutes) as a part of the regulation, but have it presented as a special recommendation to the Secretaries of the Interior and Agriculture for inclusion in all cooperative State/Federal agreements.
231.11(d)	No recommendation.
4714.1 231.11(p)	No recommendation.
4714.2 231.11(q)	No recommendation.
4714.3-(1-2)	No recommendation.
231.11(1)-(0)	No recommendation.

Other Matters

Motion made and approved that documents similar to the Wyoming/BLM Cooperative Agreement (Enclosure 1) be concluded by all states and Federal agencies as rapidly as possible.

In the matter of election of a Vice Chairman, after nomination of Mr. Pierson, it was moved and seconded that nominations cease and election of Mr. Pierson be by acclamation; passed by unanimous vote.

In reference to correspondence from Utah Cattle Growers Association in Skull Valley, motion was made and approved that the Chairman advise the Association that the problem presented should be covered under the Federal regulations which will provide the means of resolving such matters.

Abstract of Proceedings

The meeting was called to order by the Chairman, Dr. C. Wayne Cook, at 8:30 a.m., March 21, 1973 and thereafter was conducted in general conformity with the meeting agenda. A list of Board members and others who participated in the meeting is shown on Pages 2, 3, and 4.

Mr. Dale Andrus, State BLM Director for Colorado, welcomed the group to Denver, pointing to the high degree of public interest in the subjects to be discussed by the Advisory Board.

Mr. Nolan Keil, BLM Assistant Director of Resources, added to the welcome of Board members and stressed the urgent need for development of firm regulations for administration of Public Law 92-195. He asked that review of the regulations be the first order of business even if other matters on the agenda had to be postponed for later consideration.

Following self-introduction of all board members and agency representatives present, there was a general discussion of how best to proceed in review and recommendations on the proposed regulations. It was the general concensus that the review should be made section by section with a reference to any written or oral comments from interested members of the public, and following Board discussion a recommendation for change or amendment in each case before proceeding to the next section.

Since almost full time of the two-day meeting was devoted to consideration of the proposed regulations, they are included as Appendix #1 of the minutes. Most of the recommendations and discussions which follow are keyed to a specific page and/or regulation number as given for the draft regulations (Appendix #1):

USDI - Group 4700
USDA - Part 231

Proposed Regulations

Pages 1 and 2 - (4710.0-1-2-3 - USDI
(36 CFR, Part 231 - USDA

(1) No written or oral statements were of record. Chairman Cook indicated committee acceptance of these as written, absent comment later on in the meeting.

Pages 3 and 4 - (4710.0-5 - USDI
(231.11 (a) - (1)(2)(3) - USDA

(1) There was discussion of the definition for "Wild Free Roaming Horses and Burros," relative to the status of progeny of animals qualifying as wild.....etc., upon date of the Act. No conclusion was reached as to need for modification of the definition.

(2) "Public Land" (4700) - Questions if the law adequately covers military withdrawals and similar lands not directly administered by BLM. It was suggested that Interior consider the advisability of adding another paragraph to include all lands subject to full or partial administration under subpart 4711.

Pages 5 and 6 - (4710 - USDI
(231.11(a)(4)(7)(8) - USDA

(1) There was discussion of what constitutes public land under the Act with specific reference to intermingled private lands such as in a railroad checkerboard land pattern. It was generally agreed such areas will have to be incorporated into a cooperative agreement if they are to be subject to a wild horse or burro management program.

(2) Lengthy discussion took place on the various definitions of the word "range" as it might be interpreted under 4710(3). It was moved and seconded that the word "specific" be inserted in the title line of both 4710(3) and 231.11(a)(4) following the word burros so as to read "Wild horse or burro specific range." (Note - this had the effect of withdrawing an earlier motion on this point.) - Unanimously approved.

It was moved and seconded that "a second sentence be added to paragraph 4710(3) and 231.11(a)(4) to define other areas used by horses and burros where BLM and National Forest lands will be managed under multiple use principles as described in 2(c) of the Act." - Unanimously approved.

Pages 7 and 8 - (4710 - USDI
(231.11(a),(5) and (6) - USDA

No recommendations were made concerning Forest Service regulations 231.11(a), (5) and (6).

Pages 9 and 10 - (4710.0-6 - USDI
(231.11 (b) - USDA

(1) There was considerable discussion on the policy expressed by 4710.0 - 6(b). With the objective of clarifying this paragraph, it was moved the following language be added after the word, permit, "but such an arrangement is permissible under a cooperative agreement." Seconded and approved by unanimous vote.

Pages 11 and 12 - (4711 - USDI
(231.11 - USDA

(1) To improve consistency of BLM/FS regulations and allow some flexibility to the BLM regulation 4711.2(b), it was recommended that the words, "to the fullest extent possible," be added to the last sentence of this subparagraph. Motion seconded and passed by unanimous vote.

Pages 13 and 14 - (4711.3 - USDI
(231.11(b) - USDA

(1) There was a discussion on the need for including non-profit organizations in the Forest Service regulations. It was moved that the terminology, "non-profit organizations," be included in the Forest Service regulation 231.11(h) under "Cooperative agreements," seconded and approved by unanimous vote.

Pages 15 and 16 - (4712 - USDI
(236.11(b) - USDA

(1) To make it clear that subparagraph 4712.1-1 would apply to all BLM administered lands, it was suggested that in line 2 the word "specific" be inserted in front of the word ranges; then insert after the word ranges,"as well as other lands over which the BLM has jurisdiction with respect to the provisions of this Act." The motion was seconded and approved by unanimous vote.

(2) In discussion of this page of regulations, Dr. Frank asked what criteria would be used to identify excess horse or burro numbers. Chairman Cook suggested the following sequence determinations for BLM and FS consideration.

a. Number of animals on the range at the present time.
b. Suitability of range for production of forage.
c. Current condition of range compared with its potential.
d. Trend of range condition.
e. Coordination of horse and other resource uses.

These criteria were then incorporated into a motion, seconded, and passed unanimously.

Pages 17 and 18 - (4712.2 - USDI

BLM procedures were discussed but no recommendations made on this paragraph.

Pages 19 and 20 - (4712.2 - USDI
(231.11(b)(1) - USDA

(1) In reference to the heading of BLM 4712.2, it was recommended that the word "specific" be inserted between the words <u>of</u> and <u>ranges</u>. Motion seconded and passed with one dissenting vote.

(2) Because sentence (4) in paragraph 4712.2-2 is not actually a criterion, it was moved that the heading of the paragraph be changed to read "Criteria and Requirements for Designation." Motion seconded and passed with one abstention.

(3) It was moved that the language in FS regulation 231.11(b)(1) be incorporated into BLM regulation 4712.2-1 by adding at the end of the first line -- <u>specific ranges</u>, " in those unique and singularly important situations where he determines such designation as especially fitting", <u>for protection and</u> .... Motion was seconded and passed by unanimous vote.

(4) Considerable discussion centered around the extent of delegation desirable in the actual designation of a specific wild horse or burro ranges. It was moved that the words, "the authorized officer," in BLM regulation 4712.2-1 be changed to "the Secretary of the Interior," and in FS regulation 231.11(b)(1) the words "He (the Chief, Forest Service)" be changed to "The Secretary of Agriculture." Motion seconded and passed with one opposing vote.

Pages 21 and 22 (4712.3 - USDI
(231.11(i) - USDA

(1) To clarify the language of 4712.3-1. It was suggested this paragraph read "Animals may be captured, corralled, and held in the most humane manner possible pending disposal under the provisions of this subpart." This was seconded and passed by unanimous vote.

(2) With reference to the same paragraph (4712.3-1) and to F.S. regulation 231.11(i), it was moved that the lead sentence in each case begin with the phrase "Under the supervision of authorized personnel." This was seconded and passed unanimously.

Pages 23 and 24 - (4712.3-2 - USDI
(231.11(j) - USDA

(1) After considerable discussion concerning these proposed regulations without a concensus formed, the Chairman assigned Board members Mrs. Johnston and Mr. Glading to prepare a redraft of the regulation for later discussion and action.

Pages 25 and 26 - (4712.4 - USDI
(231.11(e) - USDA

(1) Discussion centered on the problems of fencing or lack of fencing, particularly in checkerboard areas as related to control or removal of horses. No recommendations were made on this matter.

(2) In relation to establishing or maintaining an ecological balance, Dr. Frank suggested the need for departmental policy statements regarding the total numbers of wild free roaming horses and burros. This suggestion was amended to eliminate the word "wild" and a motion made, "The Advisory Board recommends to the Secretary that in the foreseeable future the total number allowable shall, in general, be limited to a number approximating the number of free roaming horses and burros in existence at the time of passage of the Act." Seconded and passed by unanimous vote.

The Chairman noted that ----"Sometime or other land managers are going to have to evaluate the primary producers, or the total herbage production, and at the same time evaluate the total herbivore population, both small and large, rodents, rabbits, burros, horses, cows, sheep, deer, antelope, the whole business, and the sooner we get accustomed to counting these and knowing what is there, the sooner we are going to get what we call a normal, balanced ecosystem, and never until we do this are we going to."

Conclusion of first day meeting.

Thursday, March 22, 1973

Pages 23 and 24 (Revision) - (4712.3-3-USDI
(231.11(j) - USDA

(1) The first matter of discussion was a revision of draft regulations, pages 23 and 24. The revised draft was presented by Mrs. Johnston. After review of the revision as written below, it was moved "that the revised draft be approved." The motion was seconded and adopted by unanimous vote:

"Subpart 4712 - Managment: Considerations - Revised Draft.

4712.3-3 - Disposal

Where the Director of the Bureau of Land Management, through his authorized officer, finds it necessary, in accordance with 4712.3-2, to remove excess animals from specific areas of the public lands, and he determines that the capture or relocation of animals under 4712.3-2 is not practical, he may destroy such animals in the most humane manner possible, after appropriate consultation with the Advisory Board.

4712.3-4 - Acts of Mercy

Severely injured or seriously sick animals will be destroyed immediately in the most humane manner possible as an act of mercy.

4712.3-5 - Disposal of Carcasses

It is not anticipated that any mass destruction of animals will be necessary or should occur, and that where destruction is necessary it should be done selectively, individually, and as unobtrusively as possible. In no event shall carcasses or any part thereof, including those in the authorized possession of private parties, be sold for any consideration, directly or indirectly.

231.11(j) - Disposal of Animals

No person except a duly designated Agent of the Secretary shall destroy any wild free-roaming horse or burro. Such agents may destroy wild free-roaming horses or burros under the following circumstances:

(1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an act of mercy.

(2) When the Chief, Forest Service, finds it necessary to remove surplus wild free-roaming horses or burros and he determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible after appropriate consultation with the National Advisory Board.

231.11(k) - Disposal of Carcasses [1/]

It is not anticipated that any mass destruction of animals will be necessary or should occur, and that where destruction is necessary it should be done selectively, individually, and as unobtrusively as possible. In no event shall carcasses or any part thereof, including those in the authorized possession of private parties, be sold for consideration, directly or indirectly.

Pages 27 and 28 - (4713.1 - USDI
(231.11(c) - USDA

(1) The subject of claimed animals generated a great deal of discussion relating to such things as criteria for proof of ownership, application of state laws to claiming procedures, recent questionable roundups of animals on public lands, etc. It was recommended that the word "probable" be removed from 4713.1(b) and the words, "proof of ownership", be substituted in lieu thereof. This was seconded but no vote was taken. After further discussion, an addition was made to the motion to read, "proof of ownership as cooperatively agreed between the Agency and state authorities." This was also seconded but without a vote of the Board. There was then proposed the addition of four specific Federal requirements to be met in all Federal/State Agreements pertaining to claims and the

1/ The transcript (page 312) reflects a later consideration of these same regulations in which reference was made to typewritten sheets circulated to Board members. These were identical to the foregoing with the exception of FS Regulation 231.11(k). The Board again considered and passed a revised version by unanimous vote. Thus, with respect to 231.11(k), the record contains an affirmative recommendation for two versions of the same regulation.

recognition of ownership. No action was taken at this time. Mrs. Twyne reviewed in some detail what had happened in the gathering of horses in Idaho. There was a motion for a unanimous resolution from the Board condemming this particularly brutal roundup in Idaho.

At this point, the Chairman ruled that the earlier motions must be disposed of before he would entertain anything further. A further amendment to the original motion substituted the words "evidence of" in place of "proof of". This was seconded and the vote on this amendment was favorable with one dissent. The Chairman then called for a vote on the original recommendation as amended. This vote was unanimously in favor, thus recommending a change in 4713.1(b) so that the last sentence would read "Claims must be based on evidence of ownership as cooperatively agreed between the Agency and State authorities."

Note: It was not specifically stated by the Board that similar treatment be given to FS regulation 231.11(e) although discussion had so indicated.

(2) Concerning paragraph (c) of 4713.1, it was suggested there be added to the last sentence, the words "and agreed upon by the Federal Government Agency in question." This was questioned as possibly an exercise of veto power by the Federal agency and opinions were expressed - both pro and con. A substitution was offered in lieu of the above to read following the words State Official, "pursuant to a Cooperative Agreement between the Bureau of Land Management and appropriate State Agency." After further discussion, there was a motion to include the four specific requirements mentioned in Paragraph (1) above, in all Cooperative Federal/State Agreements. The Chairman stated that action on this last proposal should be delayed until it could be typed for distribution and review by all Board members. Further consideration of the statement concerning the Idaho roundup resulted in a motion to table action on the Idaho matter until review of the regulations was completed. This was seconded and carried unanimously.

(3) Next, consideration was given to paragraph (d) of 4713.1. Objection was offered to waiving trespass action as proposed by BLM regulations and a motion was made, "that the trespass charge, referred to in (d), not be waived for animals for which claim of ownership is submitted within 90 days of the effective date of these regulations." This was seconded and the motion was defeated with one affirmative vote.

Public Statements

Following a brief recess, the Chairman asked if any member of the audience wished to make a presentation. Six statements were given in the following order:

(1) Frantz Dantzler - Rocky Mountain Regional Office of the Humane Society

Mr. Dantzler explained the purpose of and basis for membership in his organization. He regarded the Idaho roundup situation as representing a disregard of P.L. 92-195 and absence of responsible enforcement action by BLM. He expressed concern about the claiming procedure and suggested his agency might offer a later addendum to his statement.

(2) Belton Mouras - Animal Protection Institute of America.

Mr. Mouras briefly outlined the purpose of the A.P.I. and noted the real need for a census of wild horses and burros. He also recommended an in-depth study of burros and their role in the environment. He then suggested further "visual supervision" of all capture operations carried out under subsection 4712.3-1 of the regulations to prevent undue cruelty to animals. Mr. Mouras favored the term "proven ownership" rather than "probable ownership" as expressed in 4713.1(b) and 231.11(c) of the proposed regulations and asked as a safeguard, 30 days' advance public notice of any roundup to allow review by concerned organizations. Mr. Mouras concluded with a statement on some of the roundup practices which his organization would like to have improved from a humane treatment standpoint.

(3) Dr. Michael Pontrelli representing himself discussed his background in early committee work and field work involving wild horses. He expressed disagreement with the concern of some Board members that trespass action, if taken, would be of a punitive nature. He suggested that the provisions of earlier Federal legislation such as the Taylor Grazing Act made it unreasonable to excuse trespass action. He suggested requiring proof of ownership was also reasonable under existing public land regulations and brought up the possibility of a class action suit in Court if fees are waived by regulation which are legally and rightfully due for illegal actions of trespass.

(4) Letters for the Record: Ms. Susan Lock, International Society for Protection of Mustangs and Burros and WHDA.

Ms. Lock read from two letters from the Society to the Advisory Board. In general, the letters were critical of the draft regulations concerning proposed claiming procedures and criteria for proof of ownership. Reference was made to the Idaho situation as evidence of the need for stronger Federal regulations and the Society called upon the Advisory Board to require safeguards that would guarantee protection of wild free roaming horses and burros. Mrs. Johnston then read a third letter received from the National Council of Public Land Users in Grand Junction, Colorado which called for elimination of all permitted livestock grazing on public lands, citing the Idaho roundup as evidence that livestock operators do not respect the laws, administering agencies, or the public interest. Chairman Cook then asked Mr. Ferris to read a letter he had received through the BLM from Minford Beard. Mr. Beard described his experiences in running wild horses in Rio Blanco County of Colorado and suggested that regulated running of wild horses should be continued as a form of recreation and as a way of keeping them wild in nature, free of inbreeding, and as a means of population control.

(5) Mr. Alan Kania - Boston News Media and FOAL.

Mr. Kania asked and was given permission to read highlights of interviews - one with the President of the Nevada Mustang Association who stressed a total disregard for animals by the average mustanger. Another interview with an unnamed individual expressed his personal viewpoint on BLM and FS aims and objectives and generally painted a picture of gloom if Federal land management agencies remain in control of wild horses and burros. Mr. Kania concluded with an account of a private land horse roundup he had witnessed in 1972.

(6) William Wright - Deeth, Nevada - described his life as a rancher and mustanger from the time of his boyhood. Mr. Wright spoke sincerely and from an immense fund of experience in handling wild horses. He explained the various ways horses may be gathered by horseback and by the use of an airplane, and made a strong case for use of a plane, when properly handled, as a humane method of management. This position was concurred in by several Board members and Dr. Ponetelli described an interesting technique used by Indians to gather wild horses, which consisted of constructing trap wings by stringing wire

with small flags tied at regular intervals and then working the animals slowly into the trap corral.

(7) There was additional discussion about the provisions of law regulating or prohibiting use of airplanes.

It was moved that "We present this (P.L. 86-234) to the Forest Service and BLM to be reviewed by their Solicitors and report back to us at the next meeting as a possibility of the interpretation here that with hunting and management, aircraft might not be used." The motion was seconded and passed with one abstention.

Pages 27 and 28 - (4713.1(c) - USDI
(231.11(c) - USDA

This involved further consideration of a recommendation for addition to the language of regulation 4713.1(c) and the second paragraph of 231.11(c). It was moved "that the Federal Agency in working out its Cooperative Agreement with the State Agency responsible for establishing proof of ownership of free-roaming horses be guided by the following requirements: "One, that the Federal Agency ask there be included in the Agreement an affidavit signed by claimant setting forth the following: (a) date he obtained title to the animals; (b) number of animals released on the open range: (c) date of release in order to approximate number of offspring: (d) number of animals for which permit to graze has been issued: (e) evidence of payment of grazing fees and number on which fees were paid: (f) evidence of payment of personal property taxes if it be in a state that requires payment of personal property taxes on animals."

"Two, concurrence of recognition of ownership by a duly authorized Federal official, based upon the foregoing requirements."

"Three, 30-day public notice in order to afford an opportunity for interested individuals to register objection to questionable claims."

After discussion, Part 1(a) of the motion, "date he obtained title to the animals," was withdrawn.

It was then moved in lieu of the language in Part 1(a) there be substituted, "a claim of ownership and willingness to defend title.", and the addition of a sentence (g) "Proximity of private lands and ranching operations to the grazing area involved." This was seconded but no vote taken. There followed additional discussion concerning the manner in which the criteria listed in the original motion should be treated.

A motion was made that "The recommendations of the Article, commentary, not book, "Bureau of Land Management - Claimed Animals," be not included in the recommendations, in the Regulations, but be considered for Cooperative Agreements in separate." This was seconded. After further discussion another motion was offered for addition to 4713.1(c) following the words, State Official, "and agreed upon by the Federal Agency in question pursuant to a cooperative agreement between the Bureau of Land Management and the State Agency, containing criteria for the determination of ownership." This was seconded and passed by unanimous vote.

Following the amendment to the language 4713.1(c) above, vote was taken on the earlier motion and carried with one abstention. The Chairman, in added explanation of this motion, stated that the intent of the motion was to remove from the regulations the criteria originally suggested by Mrs. Johnston and as amended. They will instead be recommended for inclusion in all Cooperative State Agreements for both BLM and the Forest Service.

Pages 23 and 24 - Further Consideration of Regulations- (4712.3-3
(231.11(j)

- Consideration of a rewrite of Regulation 4712.3-3 "Disposal," "Acts of Mercy," "Disposal of Carcasses." (Also FS Regulation 231.11(j) and (k)).

After reading of the replacement pages it was moved and seconded that the revisions be accepted. The motion was carried by unanimous vote. (See Enclosure 2.) 1/

Pages 29 and 30 - (231.11(d) - USDA

No recommendations were offered with respect to this part of the Forest Service regulation.

1/ These pages are identical in content to the proposal revision recommended by the Advisory Board as the first order of business in the Thursday morning session, with one exception. The second page carrying a proposed revision of regulation 231.11(k) differs from the earlier version in that the second sentence of that paragraph now reads, "In no event will they be processed into a commercial product."

Pages 31 and 32 - (4714.1 - USDI
(231.11(p)- USDA

No recommendations were made on these proposed regulations.

Pages 33 and 34 (4714.2 - USDI
(231.11(g) - USDA

No recommendations were made with respect to these proposed regulations.

Pages 35 and 36 - (4714.3 - USDI

No recommendations were made for these proposed regulations.

Pages 37 and 38 (231.11(1) - USDA

There was discussion on the need and authority for studies and research to be done on wild horses and burros. Reference was made to studies made of the Pryor Range by BLM and to a report entitled "A Feral Burro Survey, conducted by the California Fish and Game Department in cooperation with several other agencies." The latter was suggested by Mr. Glading as representing a way in which other Federal funds could be used to accomplish research in BLM lands. Following discussion of this subject, a motion was made to reconsider an earlier motion pertaining to the collection of trespass fees by the BLM. The motion for reconsideration was defeated with two affirmative votes cast. At this point, Board members talked about the earlier meeting held in Salt Lake City and made suggestions for improving the quality of the minutes of this and future meetings of the Advisory Board.

In response to a question, it was moved and seconded that, "the actions taken to date on the proposed regulations represent the Board's final recommendations to the Secretaries of Interior and Agriculture." - No vote was taken.

The Board then reviewed several State/Federal sample cooperative agreements and, in particular, one between the Wyoming Livestock Board and the Bureau of Land Management. (See Enclosure 1.) The discussion of the Wyoming Agreement was led by Mr. Pierson and Mr. Prosser who referred directly to page 3, paragraph IV B, titled "Claims of Animals." It was suggested the criteria proposed by Mrs. Johnston (See discussion of Regulation 4713.1(c).) could be added to the concluding sentence of paragraph IV B.1.

Under paragraph IVD, it was stated that the third sentence, "The Board will review, etc." was recommended to be removed in the review made by committee members during the discussion of regulations, p. 23-24.

After additional discussion of the agreement criteria, (See recommendation keyed to original motion on Regulation 4713.1(c).), it was moved that "the criteria be referred to the Secretaries of Interior and Agriculture as recommended for inclusion in all State/Federal agreements worked out at local levels of administration by the Forest Service and Bureau of Land Management." This was seconded and passed by unanimous vote.

It was stated that the Wyoming/BLM agreement (Enclosure 1) is an admirable document and a motion was made that "documents similar in tone and intent be expedited and worked out as rapidly as possible with all the states concerned with Federal agencies." This was seconded and carried by unanimous vote.

The Chairman advised the Board that Mrs. Johnston had resigned from the position of Vice Chairman in order to more appropriately represent herself and the interests with which she is concerned, and declared the meeting open for nomination of Vice Chairman.

Mrs. Johnston nominated Mr. Pierson for this position; Dr. Frank moved that the nominations cease, and Mr. Pierson be elected by acclamation; seconded by Mrs. Twyne and passed by unanimous vote.

The Chairman next referred to correspondence concerning an agreement executed between Utah cattle growers in Skull Valley and the Bureau of Land Management to keep a ceiling on wild horse numbers. Horse numbers are increasing. It was suggested that the Chairman answer the letter, "expressing our thanks for their letting us know about their problem and telling them that we felt that the problem would be handled by the Regulations when they come out since it provided for the mechanics to solve such situations." The motion was seconded and carried unanimously.

There were a number of considerations advanced concerning the time, place, and agenda material for future meetings of the Advisory Board. Note was made of the need for greater attention to burros and their habitat since most effort to date has centered on wild horses. The desirable features of field trips to see actual conditions on the ground was brought out - also the need to hear from outside authorities.

A short discussion of the Agency environmental statements drew the comment that they were good and covered the subject area very completely.

The consideration of environmental statements concluded the meeting which was adjourned by the Chairman at 4:05 p.m.

I certify that I attended the proceedings of the National Advisory Board on Wild Free-Roaming Horses and Burros herein reported, and that this is an accurate summary of the matters discussed and the recommendations made.

June 14, 1973 (Date)

C. Wayne Cook, Chairman

Appendix 1

Secretaries' Proposed Regulation Wild Free-Roaming Horses and Burros

Direct Comparison of USDI - Bureau of Land Management proposed regulations and the USDA - Forest Service proposed regulations.

On the following pages you will find a direct comparison of the two proposed regulations. This has been done as follows.

The USDI - BLM proposal has been shown on the left hand side of each open-faced spread of this booklet. The proposal appears exactly as published with the exception of exaggerated spacing being made between some paragraphs.

The USDA - Forest Service proposal appears on the right hand side of the open-faced spread. Although the entire proposed regulation is quoted it does not appear in the precise order as published. Instead, it has been divided into segments which are located to appear directly opposite across the page, or nearly so, to it's BLM counterpart. In those few instances where there are no counterparts by one agency proposal, or the other, a notation to the effect has been made. In addition, it has been necessary to repeat portions of the USDA Forest Service proposal in two instances to give complete coverage.

The USDA - Forest Service proposal is found in complete context at the end of the comparison for reference purposes.

USDI -- Bureau of Land Management

Group 4700--Wild Free-Roaming Horse and Burro Management

PART 4710--WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT; GENERAL

Subpart 4710--Purpose; Objective; Authority; Definitions; Policy

§ 4710.0-1 Purpose.

To implement the laws relating to wild free-roaming horses and burros on public lands.

§ 4710.0-2 Objective.

The objective of these regulations is to provide criteria and procedures for protecting, managing, and controlling wild free-roaming horses and burros as a recognized component of the public land environment.

§ 4710.0-3 Authority.

The Act of December 15, 1971 (16 U.S.C. 1331-1340), requires the protection, management, and control of wild free-roaming horses and burros on public lands.

PAGES 1 & 2

The two Regulations do not and cannot read identically because:

1. The Bureau of Land Management and Forest Service are in separate Departments. Each agency's format for Regulations and procedures must subscribe to Departmental policy.

2. BLM & FS function under different organic laws. Therefore, it may be necessary for one Agency to deal with an item in greater detail than the other.

3. Due to different delegations of organizational authority BLM requires greater detail in Regulation guidelines.

4. FS & BLM are commonly dealing with different land status and ownership patterns.

ubpart 4710--Purpose; Objective; Authority; Definitions; Policy (continued)

4710.0-5 Definitions.

(a) "Authorized Officer" means any employee of the Bureau of Land anagement to whom has been delegated the authority to take actions under he regulations of this Chapter.

(b) "Wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros that have used or do use public lands as all or part of their habitat on or after December 15, 1971, including those animals given an identifying mark upon capture for live disposal by the authorized officer. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro introduced onto public lands on or after December 15, 1971, by accidental, negligent, or willful disregard of ownership.

(c) "Herd" means one or more stallions or jacks and their mares or jennies.

(d) "Public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management.

USDA -- Forest Service

DEPARTMENT OF AGRICULTURE

Forest Service

(36 CFR Part 231)

GRAZING

Protection, Management, and Control of Wild Free-Roaming Horses and Burros

Notice is hereby given that pursuant to the authority contained in the Wild Free-Roaming Horses and Burros Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331-1340), the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 551), the Act of July 22, 1937 (50 Stat. 525, as amended; 7 U.S.C. 1011), and the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531), it is proposed to amend Part 231 of Title 36 Code of Federal Regulations, by adding Section 231.11 to read as follows:

From statement of purpose at end of Proposed Regulation.

The purpose of this amendment is to provide authority and direction to the Chief, Forest Service, for the management, protection and control of those wild free-roaming horses and burros which are associated all or part time with National Forest System lands.

PAGES 3 & 4
and
PAGE 21(b)

- USDI--BLM 4710.0-5(a)

Authorized Officer - The Forest Service is using the term "Agent of the Secretary" as found in the law. The Forest Service will plan to add this to the list of definitions in the final Regulation.

- USDI--BLM 4710.0-5(b)

Identifying Marks - USDA attorneys felt this statement was not necessary to the definition.

ubpart 4710--Purpose; Objective; Authority; Definitions; Policy (continued)

(e) "Wild horse or burro range" means a designated area of land ecessary to sustain a herd or herds of wild free-roaming horses or urros, and which is devoted principally but not necessarily exclu- ;ively to their welfare in keeping with the multiple use management of the public lands.

(f) "Management plan" means a written program of action designed to protect, manage, and control wild free-roaming horses and burros and maintain a natural ecological balance on the public lands.

(g) "Act" means the Act of December 15, 1971 (16 U.S.C. 1331-1340).

(h) "Advisory Board" means the joint advisory board established by the Secretary of the Interior and the Secretary of Agriculture pursuant to Section 7 of the Act.

§ 231.11 (a) Definitions.

"Authorized Officer" - No comparable Forest Service definition. However please see "Agents of the Secretary" authorization found on Page 38.

§ 231.11(a)(1) As used in this section, "Wild Free-Roaming Horses and Burros" shall mean all unbranded and unclaimed horses and burros that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership.

§ 231.11(a)(2) "Herd" means one or more stallions or jacks and their mares or jennies.

§ 231.11(a)(3) "National Forest System lands" as used in this part are the National Forests, National Grasslands and other Federal lands for which the Forest Service has administrative jurisdiction.

PAGES 5 & 6

- USDI--BLM 4710(f)

Management Plans - The Bureau of Land Management, by Departmental and Bureau policy, requires a detailed management plan for development and management of public land resources which include in this case wild horses and burros.

Forest Service also requires management plans but does not so specify in individual Regulations.

Please see also Pages 9 & 10.

§ 231.11(a)(4) "Wild horse and burro range" means an area of National Forest System land specifically so designated by the Chief, Forest Service, for the purpose of sustaining an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the National Forest System lands.

Management Plan - No comparable Forest Service definition.

§231.11(a)(7) "Act" means the Act of December 15,-1971 (85 Stat. 649, 16 U.S.C. 1331-1340), Public Law 92-195.

§ 231.11(a)(8) "National Advisory Board" means the Advisory Board as established jointly by the Secretary of Agriculture and the Secretary of the Interior under the provisions of the Act.

Subpart 4710---Purpose; Objective; Authority; Definitions; Policy (continued)

"Surplus animals" - No comparable Bureau of Land Management definition.

"Problem animal" - No comparable Bureau of Land Management definition.

PAGES 7 & 8

- USDA--FS 231.11(a)(5) & (6)

Forest Service authors and USDA attorneys found the definition of the words to be useful in providing clarity to the Regulations.

Bureau of Land Management authors found them unnecessary and the terms are not used in BLM text.

Bureau of Land Management equivalent to "Surplus" is "Excess".

Subpart 4710--Purpose; Objective; Authority; Definitions; Policy (continued)

4710.0-6 Policy.

(a) Wild free-roaming horses and burros are under the jurisdiction of the U. S. and will be managed as an integral part of the natural systems of the public lands. They will be protected from unauthorized capture, branding, undue disturbance, and destruction. They and their habitat will be managed and controlled in a manner designed to achieve and maintain a thriving ecological balance on the public lands and a thriving population of sound, healthy individuals, all in accordance with the basic program policies for public land management set forth in Subpart 1725 of this Chapter.

(b) Wild free-roaming horses and burros on the public lands will be managed by the authorized officer, with full public participation and such cooperative arrangements as he may find helpful. Management on public lands will not be assigned to any private individual or association through a grazing license, lease, or permit.

§ 231.11(a)(5) "Surplus animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple use relationship on National Forest System lands.

§ 231.11(a)(6) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, wildlife, livestock, or property.

PAGES 9 & 10

- USDA--FS 231.11(b)

Bureau of Land Management does not have a Multiple Use-Sustained Yield Act as do the National Forests. This is one reason the BLM finds it necessary to specifically mention multiple use plans in the Regulation text.

ubpart 4711--Management Coordination.

4711.1 Recommendations from the Joint National Advisory Board on Wild Free-Roaming Horses and Burros.

Policies and guidelines relative to proposals for establishment of ranges, proposed management plans, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the Advisory Board for recommendations.

§ 4711.2 State Agencies.

(a) All management activities including, but not limited to, establishment of ranges and adjustments in forage allocation shall be planned and executed in consultation with the appropriate State wildlife agency to further consider the needs of all wildlife, particularly endangered species.

(b) All actions taken in connection with private ownership claims to unbranded horses and burros shall be coordinated with the appropriate State agency.

§ 231.11 - Wild Free-Roaming Horses and Burros

The Chief, Forest Service, shall protect, manage, and control wild free-roaming horses and burros on lands of the National Forest System and shall maintain vigilance for the welfare of wild free-roaming horses and burros that wander or migrate from National Forest System lands. If these animals also use lands administered by the Bureau of Land Management as a part of their habitat, the Chief, Forest Service, shall cooperate to the fullest extent with the Department of the Interior through the Bureau of Land Management in administering the animals.

§ 231.11(b) Administration of Wild Free-Roaming Horses and Burros and their Environment. The Chief, Forest Service, shall:

(1) Administer wild free-roaming horses and burros on the National Forest System lands in the areas where they now occur to maintain a thriving ecological balance, considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with that of uses recognized under the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531). . . . . .

. . . . . .

(2) Provide direct administration for the welfare of wild free-roaming horses and burros on National Forest System land by use of the Forest Service organization rather than by the granting of leases and permits for maintenance of these animals to individuals and organizations

§ 231.11(m) Management Coordination. All management activities by the Chief, Forest Service, shall be carried out in consultation with the wildlife agency of the State involved. The expert advice of qualified scientists in the fields of biology and ecology shall also be sought in administering wild free-roaming horses and burros. The advice and suggestions of wildlife agencies, qualified scientists, and other qualified interest groups shall be made available to the National Advisory Board for their use and consideration. Actions taken in connection with private ownership claims shall be coordinated to the fullest extent possible with the State agency responsible for livestock estray law administration.

§ 231.11(n) National Advisory Board. The Chief, Forest Service, shall appoint a representative to attend all meetings of the National Advisory Board for Wild Free-Roaming Horses and Burros and to function as prescribed by the Memorandum of Agreement between the Department of the Interior and the Department of Agriculture and the Joint Charter issued by the Secretary of the Interior and Secretary of Agriculture. Policies and guidelines relative to proposals for the establishment of ranges, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the National Advisory Board for recommendations.

Subpart 4711--Management Coordination.(continued)

§ 4711.3 Cooperative Agreements.

The authorized officer may enter into cooperative agreements with other landowners, nonprofit organizations, and with Federal, State and local governmental agencies as he deems necessary for purposes of protecting, managing and controlling wild free-roaming horses and burros. Where the grazing patterns of the animals require utilization of lands in other ownerships or administration, the authorized officer shall seek cooperative agreements to insure continuance of such use.

PAGES 13 & 14

- USDI--BLM 4711.3
  and
- USDA--FS 231.11(h)

Cooperative Agreements - There is no basic difference in the two proposals. The Bureau of Land Management has emphasized the need to seek cooperative agreements with land owners due to the frequent occurrence of complex land ownership patterns in relation to BLM lands.

§ 231.11(h) Cooperative Agreements. The Chief, Forest Service, may enter into cooperative agreements with landowners, State and local governments and other agencies of the Federal government as he deems necessary to further the protection, management, and control of wild free-roaming horses and burros.

Subpart 4712--Management Considerations.

§ 4712.1 Management; General

§ 4712.1-1 Planning.

In planning for managing, protecting, and controlling wild free-roaming horses and burros, including the establishment of ranges, determination of desirable numbers and other management provisions of these regulations, the authorized officer will utilize the Bureau's multiple-use planning system with its requirements for public participation by and coordination with others.

§ 4712.1-2 Intensity of Management.

Management practices including construction of range improvements such as fences, water development, roads, and corrals in areas frequented by wild free-roaming horses and burros shall be consistent with the maintenance of their free-roaming behavior.

§ 4712.1-3 Habitat Reservation and Allocation.

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed protection, domestic livestock, maintenance of environmental quality, wildlife and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the desirable number of such horses and burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust domestic livestock use accordingly. See 4115.2-1(d) and 4121.2-1(a).

PAGES 15 & 16

- USDI--BLM 4712.1-3

The provisions of the Taylor Grazing Act make it necessary to provide specific authority in the Bureau of Land Management Regulations to reserve forage and habitat for Wild Free-Roaming Horses and Burros.

Forest Service is not subject to this law or requirement.

§ 231.11(b) Administration of Wild Free-Roaming Horses and Burros and their Environment. The Chief, Forest Service, shall:

(1) Administer wild free-roaming horses and burros on the National Forest System lands in the areas where they now occur to maintain a thriving ecological balance, considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with that of uses recognized under the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531). . . . . .

. . . . . .

Subpart 4712--Management Considerations. (continued)

§ 4712.1-4 Closures of Livestock Grazing.

The authorized officer may close public lands to use by all or a particular class of domestic livestock where he finds it necessary to allocate all available forage to, or to satisfy other biological requirements of, wild free-roaming horses or burros. Such closures may be made only after appropriate public notice and in accordance with the procedures for reduction or cancellation of grazing privileges provided for under the provisions of this Subchapter. See 4115.2-1(d) and 4121.2-1(a).

Please refer to page 16.

Subpart 4712--Management Considerations. (continued)

§ 4712.2 Establishment of Ranges.

§ 4712.2-1 Designation.

The authorized officer may designate and maintain specific ranges for protection and preservation of wild free-roaming horses and burros exclusively or in conjunction with other domestic and wild animals.

§ 4712.2-2 Criteria for Designation.

In designating ranges the authorized officer, in addition to any other provisions of these regulations, shall:

(1) Consider only those general areas utilized by wild free-roaming horses or burros on December 15, 1971.

(2) Consider those areas where self-sustaining herds can maintain themselves within their established utilization and migratory patterns.

(3) Consider those areas which are capable of being managed as a unit to ensure a sustained yield of forage without jeopardy to the resources.

(4) Develop a proposed wild free-roaming horse or burro management plan in accordance with § 4712.2-3.

§ 4712.2-3 Management Plan

The authorized officer shall, in connection with the designation of a range, develop a proposed wild free-roaming horse or burro management plan designed to protect, manage, and control wild free-roaming horses and burros on the area on a continuing basis. Designated ranges will be managed in accordance with an adopted management plan, as may be modified by appropriate procedures.

From:

§ 231.11(b)(1) . . . . . He *(the Chief, Forest Service)* may designate areas of National Forest System land as Wild Horse and Burro Ranges in those unique and singularly important situations where he determines such designation as especially fitting to meet the purposes of the Act and the Multiple Use-Sustained Yield Act and after consultation with the appropriate agencies of the State where such Range is proposed and with the National Advisory Board.

Subpart 4712--Management Considerations. (continued)

§ 4712.3 Removal and Relocation or Disposal of Surplus Animals.

§ 4712.3-1 Method of Capture.

Animals may be captured, corraled and held pending disposal under the provisions of this Subpart in the most humane manner possible.

§ 4712.3-2 Relocation of Animals.

(a) The authorized officer may relocate wild free-roaming horses and burros on public lands when he determines such action is necessary to: (1) relieve overgrazed areas, (2) locate animals removed from private lands in accordance with § 4712.4-3, or (3) achieve other purposes deemed to be in the interest of proper resource and herd management. Such animals relocated on public lands shall not be introduced onto areas which were generally not inhabited by them on December 15, 1971.

(b) The authorized officer may also place animals in the custody of private persons, organizations or other governmental agencies. Custodial arrangements shall be made through a cooperative agreement which shall include provisions as necessary to maintain and protect the animals and ensure that the animals will not be used for commercial exploitation. The authorized officer may, at his discretion, mark animals placed in private custody for identification purposes.

§ 231.11(i) Relocation of Animals. Wild free-roaming horses and burros may be captured and relocated if they are found to be "surplus" animals, "problem" animals, or if it is necessary to prevent their repetitive return to private land from which their removal has been requested.

(1) Relocation upon National Forest System land may be made only to areas which were the territorial habitat of wild free-roaming horses or burros on December 15, 1971, and if suitable habitat capacity is available.

(2) Animals may be placed in the custody of private persons, organizations, and other Governmental agencies through the use of a cooperative agreement. Such custodial care arrangements must require that the animals be maintained and protected in accordance with the Act, and not used for commercial exploitation.

Subpart 4712--Management Considerations. (continued)

§ 4712.3-3 Disposal.

Where the authorized officer finds it necessary, in accordance with § 4712.3-2, to remove excess animals from specific areas of the public lands, and he determines that the relocation of animals under § 4712.3-2 is not practical, he may destroy such animals in the most humane manner possible. No person, except the authorized officer or his authorized representative, shall destroy wild free-roaming horses and burros.

§ 4712.3-4 Acts of Mercy.

Severely injured or seriously sick animals will be destroyed immediately in the most humane manner possible as an act of mercy. Old, sick, and lame animals may be destroyed in the most humane manner possible.

§ 4712.3-5 Disposal of Carcasses.

Carcasses shall be disposed of in any customary manner under State sanitary statutes. In no event shall carcasses, or any part thereof, including those in the authorized possession of private parties, be sold for any consideration, directly or indirectly.

§ 231.11(j) Disposal of Animals. No person except a duly designated Agent of the Secretary shall destroy any wild free-roaming horse or burro. Such Agents may destroy wild free-roaming horses or burros under the following circumstances:

(1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an act of mercy. After appropriate consultation with the National Advisory Board, old, sick, and lame animals, and surplus animals may be destroyed in the most humane manner possible.

(2) When the Chief, Forest Service, finds it necessary to remove wild free-roaming horses or burros for the reasons identified in Section (1) and he determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible. To the extent possible, such problems will be anticipated and reviewed with the National Advisory Board before action is taken.

§ 231.11(k) Disposal of Carcasses. The remains of deceased wild free-roaming horses and burros may be disposed of in any customary manner under State sanitary codes but in no event will they be processed into a commercial product.

Subpart 4712--Management Considerations. (continued)

§ 4712.4 Animals on Private Lands.

§ 4712.4-1 Allowing Animals on Private Lands.

Nothing in these regulations shall preclude a private landowner from allowing wild free-roaming horses and burros to remain on his private lands so long as the animals were not willfully removed, enticed, or retained by him or his agent from the public lands.

§ 4712.4-2 Active Maintenance of Animals on Private Lands.

Any individual who actively maintains wild free-roaming horses and burros on his private lands shall notify the authorized officer and supply him with a reasonable approximation of their number and location. The authorized officer may also require a description of the animals. Thereafter, he shall furnish an annual report updating the information during the month of January. An individual will be considered to be actively maintaining wild free-roaming horses or burros if he takes measures of any kind designed to protect or enhance the welfare of the animals. No person shall maintain such animals except under cooperative agreement between the private landowner and the authorized officer setting forth the management and maintenance requirements including provisions for regulating disposal of surplus animals.

§ 4712.4-3 Removal of Animals from Private Lands.

The authorized officer shall remove, as soon as he can make the necessary arrangements, wild free-roaming horses and burros from private land at the request of the landowner where the private land is enclosed in a "legal fence." A "legal fence" for this purpose is one which complies with State standards and specifications.

PAGES 25 & 26

- USDI--BLM 4712.4-3

The Bureau of Land Management requirement relating to legal fences is due to the complex and intermingled land pattern. It would be an impossible task in both funds and manpower to comply with removal requests without this provision.

- USDA--FS 231.11(e)

This section relates to lands of all other ownership or government administration. The BLM equivalent is found on page 13 § 4711.3

§ 231.11(e) Other Lands, Protection Upon. Individual animals and herds of wild free-roaming horses and burros, as components of the National Forest System lands, will be under the protection of the Chief, Forest Service, even though they may thereafter move to lands of other ownership as a part of their annual territorial habitat pattern or for other reasons. The Chief will exercise surveillance of these animals through the use of cooperative agreements and as otherwise authorized by law, and act immediately through appropriate administrative or criminal and civil judicial procedures to provide them the protective measures of the Act at any time he has cause to believe its provisions are being violated.

§ 231.11(f) Private Lands, Removal from. Owners of land upon which wild free-roaming horses and burros have strayed from National Forest System lands may request their removal by calling the nearest office of either the Forest Service or Federal Marshal.

§ 231.11(g) Private Lands, Maintenance. Owners of private land who wish to maintain wild free-roaming horses and burros which have strayed onto their lands from National Forest System lands may do so by notifying the nearest office of the Forest Service in timely fashion and providing such information on a continuing basis as the Chief, Forest Service, may require. Such owners shall protect the wild free-roaming horses and burros on their lands. They may not, in so maintaining these animals, impede their return to National Forest System lands unless authorized by cooperative agreement with the Forest Service.

Subpart 4713--Claimed Animals.

§ 4713.1 Removal of Claimed Animals.

(a) All unauthorized and unbranded horses and burros on the public lands, except those introduced onto public lands on or after December 15, 1971, by accident, negligence, or willful disregard of ownership, are presumed for the purpose of management to be wild free-roaming horses or burros.

(b) Any person claiming ownership of unauthorized and unbranded horses or burros must obtain written authorization from the authorized officer to round up and remove claimed animals from public lands. Claims must be based upon probable ownership.

(c) The authorized officer shall establish in the authorization a reasonable period to allow roundup of claimed animals. The method of roundup and removal shall include such conditions deemed necessary to minimize stress on associated wild free-roaming animals. Prior to removal from public lands of any gathered animals, the claimant shall substantiate proof of ownership in accordance with applicable State branding and estray laws. Such ownership shall be certified by the appropriate State official.

(d) Horses or burros proved to be privately owned in accordance with the provisions of this subpart will be considered to have been in trespass and may not be removed until a proper trespass charge has been determined by the authorized officer. In order to facilitate implementation of the Act no trespass charge will be assessed for animals for which claims of ownership are submitted within 90 days of the effective date of these regulations.

§ 231.11(c) Ownership Claims.

Individuals wishing to assert a claim of ownership under the estray laws of a State to any unbranded horse or burro on National Forest System lands must present evidence of probable ownership to the Forest Supervisor before permission will be granted to attempt a capture of the animal(s) involved.

All capture attempts must be by written permission of the Forest Supervisor who shall allow the removal of claimed animals from herds of wild free-roaming animals only by methods and procedures which will not subject wild free-roaming animals to physical damage or undue stress. Proof of ownership pursuant to State estray laws will be required before the Forest Supervisor will permit the removal of captured, claimed animals from National Forest System lands.

All ownership claims to unbranded horses and burros that were located on National Forest System land on December 15, 1971, or those animals that were subsequently found to be wild and free-roaming under the definition in subsection (a) above must be filed with the Forest Supervisor within 90 days after the final publication of these regulations.

Please refer to page 27.

PAGES 27 & 28

- USDI--BLM 4713.1(d)

The Bureau of Land Management provision for not assessing trespass fees in 4713.1(d) was based upon the assumption that it would facilitate removal of claimed animals and eventually place the Bureau in a better position to protect and manage wild free-roaming animals without additional claims being filed.

§ 231.11(d) Removal of other Horses and Burros. In the event branded horses or burros, or horses or burros which do not come within the definition in subsection (a) are intermingled at any time with herds of wild free-roaming horses or burros, the Forest Supervisor shall require and allow their removal only by methods which do not subject the wild ones to physical damage or undue stress.

Subpart 4714--Enforcement Provisions.

§ 4714.1 Arrest.

The Director of the Bureau of Land Management may authorize such employees as he deems necessary to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of these regulations and to take such persons immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of these regulations.

§ 231.11(p) Arrest. Any employee designated by the Chief, Forest Service, shall have the power to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of the regulations in this section and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act or of the regulations in this section.

Subpart 4714--Enforcement Provisions. (continued)

§ 4714.2 Penalties.

In accordance with Section 8 of the Act (16 U.S.C. 1338), any person who:

(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly, or indirectly, a wild horse or burro allowed on private or leased land pursuant to Section 4 of the Act, or

(6) willfully violates any provisions of the regulations under Group 4700, shall be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in Section 3401, Title 18, U.S.C.

§ 231.11(q) Penalties. In accordance with Section 8 of the Act, any person who:

(1) Willfully removes or attempts to remove a wild free-roaming horse or burro from the National Forest System lands, without authority from the Chief, Forest Service, or;

(2) Converts a wild free-roaming horse or burro to private use, without authority from the Chief, Forest Service, or;

(3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or;

(4) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or;

(5) Sells, directly or indirectly, a wild horse or burro allowed on private or leased land pursuant to Section 4 of the Act, or;

(6) Willfully violates a regulation issued pursuant to the Act shall be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in Section 3401, Title 18, U.S.C.

Subpart 4714--Enforcement Provisions. (continued)

§ 4714.3 Related Prohibitions and Penalties.

§ 4714.3-1 The Act of September 18, 1959.

The Act of September 8, 1959 (18 U.S.C. 41-46), provides that any person who:

(1) Uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges, or

(2) pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any wild horse, mare, colt, or burro, shall be fined not more than $500, or imprisoned not more than 6 months, or both.

§ 4714.3-2 The Act of November 18, 1971.

The Act of November 18, 1971 (85 Stat. 480) provides, with certain exceptions, that any person who:

(1) While airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal, or

(2) uses an aircraft to harass any bird, fish, or other animals, or

(3) knowingly participates in using an aircraft for any purpose referred to in above (1) or (2),

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

Related Prohibitions and Penalties

None cited in Forest Service proposal. They apply whether cited or not.

PAGES 37 & 38

- USDA--FS 231.11(1)

Please see comments on pages 3 & 4 relative to Authorized Officer.

- USDA--FS 231.11(o)

Studies required by Bureau of Land Management for management of all resources are provided for and required as a part of the BLM Planning System covered under 4712.1-1 (Planning) page 15. BLM is not authorized to conduct formal research; however, contract research can be accomplished.

Forest Service paragraphs for which no direct comparable paragraph exists in Bureau of Land Management proposal.

§ 231.11(l) Agents of the Secretary. The Chief, Forest Service is authorized to designate Forest Service personnel to serve as "agents of the Secretary" in accomplishing the purposes of the Act and these regulations. The Chief, Forest Service, may also appoint other individuals to serve as "agents of the Secretary" to assist Forest Service personnel in specific situations of short duration.

§ 231.11(o) Studies. The Chief, Forest Service, is authorized and directed to undertake those studies of the habits and habitat of wild free-roaming horses and burros that he may deem necessary. In doing so, he shall consult with the appropriate agencies of the State(s) involved.

Appendix 2

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
1784(330)

MAR - 7 1973

Memorandum

To: Members, National Advisory Board on Wild Free-Roaming Horses and Burros

From: Acting Secretary of the Interior

Subject: Call to Meet

Secretary of Agriculture Earl L. Butz and I have called a meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros in Denver, Colorado, March 21 and 22, 1973. The meeting will begin at 8:30 a.m. in the Continental Denver Motor Inn located at Valley Highway and Speer Boulevard.

The Director, Bureau of Land Management, will provide additional information to you prior to the meeting.

Appendix 3

IN REPLY REFER TO:

1214(330)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

MAR 20 1973

Memorandum

To: Assistant Director, Resources

From: Director

Subject: Delegation of Authority - March 1973 Meeting of the Wild Horse and Burro Advisory Board

Pursuant to the authority delegated to me by the Secretary of the Interior, I hereby delegate to you authority and responsibility to act as authorized representative of the Secretary at the March 21 and 22, 1973, meeting of the Joint National Advisory Board on Wild Free-Roaming Horses and Burros.

Curt Berklund

Appendix 4

United States
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

Notice of Meeting

National Advisory Board
on
Wild Free-Roaming Horses and Burros

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold its second meeting March 21 and 22, 1973, at the Continental Denver Motor Inn, Valley Highway and Speer Blvd., Denver, CO. The agenda for the meeting will include consideration and review of proposed regulations, a draft environmental impact statement and comments and recommendations received from the general public subsequent to the last meeting.

The meeting will be open to the public. Seating will be available for about 25 observers. Time will be available for a limited number of brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook.

Written statements should be submitted to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

THE NATIONAL ARCHIVES AND RECORDS SERVICE
FILED AND MADE AVAILABLE FOR PUBLIC INSPECTION
MAR 8 8 45 AM '73
IN THE OFFICE OF THE FEDERAL REGISTER

/s/ Burt Silcock
Director

MAR 2 1973

Certified to be a true copy of the original

Susan F. Edmondson
Certifying Officer

Appendix 5
-1971

COLORADO
STATE
UNIVERSITY
FORT COLLINS
COLORADO
80521

department of range science

March 7, 1973

MEMORANDUM

TO: Members of Wild Horse and Burro Advisory Board

FROM: C. Wayne Cook

SUBJECT: Regulations

A few days ago you received from George Turcott (1) Agenda Proceedings of the Salt Lake City Advisory Board meeting, and (2) Direct Comparison of USDI and USDA proposed regulations. These are in a notebook cover. The proposed regulations by each of the departments are on opposite pages of this notebook so that they can be compared. They have been placed in this notebook in this manner so that each of the committee can study them before coming to our meeting in Denver March 21 and 22. In addition you can review the proceedings for discussions that took place on each regulation during our Salt Lake City meeting. I am assuming that we will be asked to make commitments on each of these regulations as we move from one regulation to the other in sequence in the notebook.

At this time I am assuming that the committee will not want to make a formal approval of each regulation. It is therefore left with the view that the committee will make suggestions one by one and give the agencies a consensus but not necessarily formal approval. However, if it appears to be more appropriate to approve these in a formal manner at the meeting and it is the consensus of the committee that we do it in this fashion, so shall it be. This might actually expedite the process or procedure so let me know your wishes.

Again, I hope it will be possible for you to spend some time on these regulations before coming to our Denver meeting. It will save time if the committee does not have to enlighten the members with respect to the intent or the content of the regulations. I shall look forward to seeing you in Denver.

Enclosure 1

Amended Draft
After meeting

COOPERATIVE AGREEMENT
BETWEEN
THE WYOMING LIVESTOCK BOARD
AND
THE BUREAU OF LAND MANAGEMENT, WYOMING
DEPARTMENT OF THE INTERIOR

I. Purpose

This Cooperative Agreement between the Wyoming Livestock Board, hereinafter referred to as the Board, and the Bureau of Land Management, hereinafter referred to as the Bureau is for the purpose of identifying joint responsibilities of each agency toward the implementation and administration of P.L. 92-195, Management, Protection, and Control of Wild Free-Roaming Horses and Burros hereinafter referred to as the Act and the regulations embodied in 43 CFR 4700, Wild and Free-Roaming Horse and Burro Management hereinafter referred to as the Regulations, within the State of Wyoming.

II. Policy

The Bureau is charged by the Act and the Regulations to manage, protect, and control Wild Free-Roaming Horses and Burros on national resource lands, formerly referred to as public domain land, under its jurisdiction, and private land under cooperative agreement. The Board is charged with the responsibility for validating and processing claims of ownership of branded and unbranded animals pursuant to the State estray laws, and the proper disposal of animals pursuant to the livestock sanitation laws, within the State of Wyoming. Therefore, it is the mutual desire of the Board and Bureau to work in harmony for the common purpose of planning, implementing and administering the applicable State and Federal laws to accomplish the directed management, protection, and control of wild

free-roaming horses and burros within Wyoming and provide maximum service and integrity to public desires, with minimum adverse effect on resources and the environment.

III. Authority

The Board is authorized to enter into cooperative agreements with Federal agencies pursuant to Wyoming State Laws (Wyoming Stat., Secs. ( ).

The Bureau is authorized to enter into cooperative agreements with State agencies in connection with the management, use and protection of the national resource lands under the provisions of the Wild Horse Act of December 15, 1971 (P.L. 92-195; 85 Stat. 649; 16 U.S.C. 1331-13401), the Taylor Grazing Act of June 28, 1934 (P.L. 73-482; 48 Stat. 1269; 43 U.S.C. 315), as amended, the National Environmental Policy Act of 1969, as amended (P.L. 91-190; 83 Stat. 852; 42 U.S.C. 4341), the Intergovernmental Cooperative Act of 1968 (P.L. 90-577; 82 Stat. 1098; 40 U.S.C. 531; 42 U.S.C. 4201), and the Public Land Administration Act of 1960 (P.L. 86-649; 74 Stat. 506; 43 U.S.C. 1361).

IV. Management Considerations

A. Planning

The Bureau's Resource Planning System produces guidelines and decisions for management of the resources on national resource lands. Since wild free-roaming horses and burros can be affected by decisions which result from the planning system, it is essential that information, data, viewpoints, and cooperation be obtained from the Board. The Board

can also benefit from similar consultation with the Bureau. It is therefore agreed:

1. Board

The Board will participate, to the extent allowed by other program commitments, in planning system meetings, called by the Bureau to review management plans and proposals, and offer recommendations regarding wild horse and burro management, and other management alternatives.

2. Bureau

All resource information gathered by the Bureau during the inventory and public participation phases of the planning effort will be available for review by the Board. To the extent allowed by program commitments, the Bureau will assist the Board as requested in providing data beneficial to the Board's planning efforts.

B. Claims of Animals

The Act and the Regulations jointly charge the Bureau and the Board to process and validate claims of branded and unbranded horses and burros in accordance with the branding and estray laws of the State of Wyoming. It is therefore agreed:

1. Bureau

Upon receipt of a written claim for horses or burros on public lands the authorized officer of the Bureau will contact the State Brand Inspector or his local representative and request validation

of the claim. The request for validation will include any information required by the Board to validate the claim.

2. Board

Upon receipt of a request from the Bureau to validate a claim of wild horses or burro, the Board or its local representative will investigate the claim for integrity and authenticity. The Board, or its local representative, will in turn, respond to the request of the Bureau of authorized officer validating or denying the claim.

C. Roundup of Animals

The authorized officer of the Bureau may direct the roundup of wild free-roaming horses or burros pursuant to the Act and Regulations. Prior to any authorized roundup, the Bureau will contact the Board for assistance, review, and recommendation. The Board or its local representative may participate in roundups directed by the Bureau to assure compliance with the appropriate laws and regulations, and will authenticate claims of animals gathered.

D. Disposal of Animals.

Pursuant to the Act and Regulations the authorized officer of the Bureau may direct the disposal of animals. Prior to disposal the Bureau will consult with the Board regarding disposal of animals except in acts of mercy. The Board will review any proposed disposal and recommend methods, location and disposition of animals in accordance with the State animal sanitation and humane statutes.

Horses or burros known or assumed to be diseased will be disposed of by the authorized officer in the most humane manner after consultation with the Board. In the event of potential disease epidemic in a wild horse herd the Bureau will follow recommendations and guidance of the Board to minimize the potential or dispose of infected and exposed animals.

E. Violations - Enforcement

In the event of alleged or known violations of the Act, the authorized representative of the Bureau will contact the authorized representative of the Board to validate the ownership status of the animal(s) involved. The Board representative will determine the ownership of the involved animal(s) and may be requested to assist in enforcement proceedings where wild free-roaming horses or burros are involved.

F. Property Damage

The Board may be requested to assist the Bureau in investigation of alleged property damage inflicted by wild free-roaming horses or burros. Assistance will include but may not be limited to establishment of the ownership status of animals.

V. Administrative Matters

A. Annual Meeting

The Board and Bureau will meet jointly at least annually to discuss matters relating to the planning, coordination and implementation of the Act and Regulations pertaining to management of wild horses

and burros on or affecting the national resource lands and provide for other meetings as necessary.

B. Other Agreements

The local representatives of both agencies may enter into any supplemental or specific agreements within the framework of this agreement.

C. Subject to Existing Laws

It is expressly stipulated and agreed by both parties that each and every provisionin this agreement is subject to the laws of the State of Wyoming, the laws of the United States, and to the delegated authority assigned in each instance.

D. Funding Obligations

Nothing in this agreement shall be construed as obligating either party hereto in the expenditure of funds.

E. Restriction of Congressional Delegates or Resident Commissioner

No member or delegate to Congress, or Resident Commissioners, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom.

F. Discrimination

All cooperative work under the provisions of this agreement or suppl mental agreements or memorandums of understanding will be accomplished without discrimination against any employee, or

applicant for employment, because of race, creed, color, sex, or national origin.

G. Termination

This agreement shall become effective when signed by the designated representatives of the parties hereto and shall remain in force until terminated by mutual agreement, or by either party upon thirty days' notice in writing to the other of its intention to terminate upon a date indicated. Amendments to this agreement may be proposed by either party and shall become effective upon approval by both parties.

Approved:

Date:_____, State of Wyoming - Livestock Board

by:_____
President

Date:_____ U. S. Department of the Interior
Bureau of Land Management, Wyoming

by:_____
State Director

USDI - BUREAU OF LAND MANAGEMENT

SUBPART 4712 - Management Considerations (continued)

4712.3-3 - Disposal

Where the Director of the Bureau of Land Management, through his authorized officer, finds it necessary, in accordance with 4712.3-2, to remove excess animals from specific areas of the public lands, and he determines that the capture or relocation of animals under 4712.3-2 is not practical, he may destroy such animals in the most humane manner possible, after appropriate consultation with the Advisory Board.

4712.3-4 - Acts of Mercy

Severely injured or seriously sick animals will be destroyed immediately in the most humane manner possible as an act of mercy.

4712.3-5 - Disposal of Carcasses

It is not anticipated that any mass destruction of animals will be necessary or should occur, and that where destruction is necessary it should be done selectively, individually and as unobtrusively as possible. In no event shall carcasses or any part thereof, including those in the authorized possession of private parties, be sold for any consideration, directly or indirectly.

231.11 (j) - Disposal of Animals

No person except a duly designated Agent of the Secretary shall destroy any wild free-roaming horse or burro. Such agents may destroy wild free-roaming horses or burros under the following circumstances:

(1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an act of mercy.

(2) When the Chief, Forest Service, finds it necessary to remove surplus wild free-roaming horses or burros and he determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible after appropriate consultation with the National Advisory Board.

231.11 (k) - Disposal of Carcasses

It is not anticipated that any mass destruction of animals will be necessary or should occur, and that where destruction is necessary it should be done selectively, individually and as unobtrusively as possible. In no event will they be processed into a commercial product.

PUBLIC ATTENDANCE

Meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros - Denver, Colorado

March 21, 1973

Name	Representation	Address
John Egan	KDEN News	Denver
Michael J. Pontrelli	Self	2294 Oppio St. Sparks, Nevada
Susan Lock	Animal Prot. Inst.	Sacramento
Belton Mouras	" " "	"
W. L. Evans	USFS	Denver
Al Kania	FOAL, Inc WGBH-FM/Boston Globe	Boston
Frank R. Richardson	US Fish and Wildlife	Denver
Hal Perry	Humane Soc. of U.S.	Salt Lake City
Mike Franco	KBTV News	Denver

March 22, 1973

Al Kania	FOAL, Inc. WGBH-FM/Boston Globe	Boston
Hal Perry	Humane Soc. of U.S.	Salt Lake City
Michael J. Pontrelli	Self	2294 Oppio St. Sparks, Nev.
F. L. Dantzler	Humane Soc. of U. S.	Salt Lake City
Bill Wright	Self	Deeth, Nevada
Edna Haskett	Self	4150 Alcott Denver
Mark Harris	Record Stockman	Denver

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